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7 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 DONALD W. WRIGHT,

10 Plaintiff,

11 v.

12 DEPARTMENT OF CORRECTIONS
et al.,

13 Defendants.
14

CASE NO. 3:19-CV-5279-RBL-JRC

REPORT AND RECOMMENDATION

NOTED FOR: SEPTEMBER 13, 2019

15 Before the Court is plaintiff's motion to withdraw complaint without prejudice ("motion
16 for voluntary dismissal"). Dkt. 18. Defendants do not oppose plaintiff's motion. Dkt. 19. The
17 undersigned recommends that the motion be granted and that this case be dismissed without
18 prejudice. The Court recommends denying plaintiff's request for an undefined stay of this case.

19 **DISCUSSION**

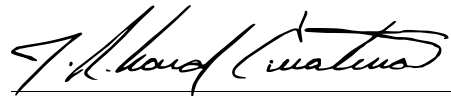
20 On April 12, 2019, defendants filed a notice of removal from Clallam County Superior
21 Court. Dkt. 1. On April 15, 2019, defendants filed their answer. Dkt. 7. On July 1, 2019,
22 plaintiff filed the motion for voluntary dismissal. Dkt. 18. In his motion, plaintiff requests that
23 his complaint be dismissed without prejudice, or in the alternative, that he be granted an
24 undefined stay of this case. Dkt. 18.

1 Rule 41 of the Federal Rules of Civil Procedure sets forth the circumstances under which
2 an action may be dismissed. Plaintiff must seek leave of Court to dismiss this action because an
3 answer has been filed. *See* Dkt. 7.

4 Here, plaintiff moves for dismissal the complaint without prejudice (Dkt. 18), and
5 defendants do not oppose plaintiff's motion (Dkt. 19). Accordingly, the Court recommends that
6 plaintiff's motion to dismiss be granted and that the Court dismiss this action without prejudice.
7 The Court recommends that plaintiff's alternative request for an undefined stay be denied.

8 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
9 fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.
10 6. Failure to file objections will result in a waiver of those objections for purposes of *de novo*
11 review by the district judge, *see* 28 U.S.C. § 636(b)(1)(C), and can result in a result in a waiver
12 of those objections for purposes of appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *Miranda v.*
13 *Anchondo*, 684 F.3d 844, 848 (9th Cir. 2012) (citations omitted). Accommodating the time limit
14 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on
15 September 13, 2019 as noted in the caption.

16 Dated this 22nd day of August, 2019.

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20 J. Richard Creatura
21 United States Magistrate Judge
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